

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<div style="display: flex; justify-content: space-between;"><div>LARRY FREUDENBERG, Individually, and On Behalf Of All Others Similarly Situated</div><div>:</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>v.</div><div>:</div></div> <div style="display: flex; justify-content: space-between;"><div>E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, AND ROBERT J. SIMMONS</div><div>:</div></div>	<div style="display: flex; justify-content: space-between;"><div>07 Civ. 8538 (RWS) Judge Robert W. Sweet</div><div>:</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>CLASS ACTION</div><div>:</div></div> <div style="display: flex; justify-content: space-between;"><div>ELECTRONICALLY FILED</div><div>:</div></div>
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[Captions continued on the following page]

**NOTICE OF WITHDRAWAL OF THE  
INSTITUTIONAL INVESTOR GROUP'S MOTION TO  
CONSOLIDATE ACTIONS, TO BE APPOINTED LEAD PLAINTIFF  
AND FOR APPROVAL OF ITS SELECTION OF LEAD COUNSEL**

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*Counsel for the Institutional Investor Group*

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WILLIAM BOSTON, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

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ROBERT D. THULMAN, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

---

WENDY M. DAVIDSON, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

---

JOSHUA FERENC, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

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07 Civ. 8808 (RWS)  
Judge Robert W. Sweet

07 Civ. 9651 (RWS)  
Judge Robert W. Sweet

07 Civ. 10400 (RWS)  
Judge Robert W. Sweet

07 Civ. 10540 (RWS)  
Judge Robert W. Sweet

PLEASE TAKE NOTICE that proposed Lead Plaintiffs The Mississippi Public Employees' Retirement System ("Mississippi PERS") and AFA Livförsäkringsaktiebolag, AFA Sjukförsäkringsaktiebolag, AFA Trygghetsförsäkringsaktiebolag and Kollektivavtalsstiftelsen TSL (collectively, the "Institutional Investor Group"), having moved before the Court: (a) to consolidate various related securities fraud class actions<sup>1</sup> filed against E\*TRADE Financial Corporation, and other defendants, (b) to be appointed as Lead Plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B)(1998), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (the "PSLRA"); and (c) for approval of its selection of the law firms of Grant & Eisenhofer P.A. and Schiffrin Barroway Topaz & Kessler, LLP as Lead Counsel ("Lead Plaintiff Motion"), hereby withdraws its Lead Plaintiff Motion.

This Withdrawal shall have no effect upon the Institutional Investor Group's rights as members of the proposed class, including but not limited to the right to share in any recovery

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<sup>1</sup> The related securities fraud class actions include the following: (1) *Freudenberg v. E\*TRADE Financial Corporation, et al.*, No. 07-Civ.-8538 (RWS); (2) *Boston v. E\*TRADE Financial Corporation, et al.*, No. 07-Civ.-8808 (RWS); (3) *Thulman v. E\*TRADE Financial Corporation, et al.*, No. 07-Civ.-9651 (RWS); (4) *Davidson v. E\*TRADE Financial Corporation, et al.*, No. 07-Civ.-10400 (RWS); and (5) *Ferenc v. E\*TRADE Financial Corporation, et al.*, No. 07-Civ.-10540 (RWS).

from the resolution of these actions through settlement, judgment or otherwise.

Dated: December 20, 2007

Respectfully submitted,

/s/ Geoffrey C. Jarvis

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